

## **Attachment D**

**Nebraska Department of Health and Human Services  
Regulation and Licensure  
Environmental Health Services Section**

# **Capacity Development Strategy**

**August 6, 2000  
Revised September 21, 2005**

**NEBRASKA HEALTH AND HUMAN SERVICES SYSTEM**



**DEPARTMENT OF SERVICES • DEPARTMENT OF REGULATION AND LICENSURE • DEPARTMENT OF FINANCE AND SUPPORT**

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# Capacity Development Strategy for Existing Public Water Systems

## Introduction

The Safe Drinking Water Act (SDWA) amendments of 1996 authorize a Drinking Water State Revolving Fund (DWSRF) loan program to help public water systems (PWS) finance the infrastructure needed to achieve or maintain compliance with the SDWA requirements and to achieve the public health objectives of the Act. Section 1420(c) of the SDWA directs the Administrator of the United States Environmental Protection Agency (U.S. EPA) to withhold a 10% portion of a state's 2001 DWSRF allotment unless the state develops and implements a capacity development program to assist existing PWS in acquiring and maintaining technical, financial and managerial (TFM) capacity.

Under Section 1420, the State of Nebraska's Capacity Development Strategy is required to consider, solicit public comment on and address the following five requirements:

- A. The methods or criteria that the State of Nebraska will use to identify and prioritize the PWS most in need of improving TFM capacity.
- B. A description of the institutional, regulatory, financial, tax or legal factors at the Federal, State or local level that encourage or impair capacity development.
- C. A description of how the state will use the authorities and resources of this title or other means to assist PWS in complying with the National Primary Drinking Water Regulations (NPDWR), encourage the development of partnerships between PWS to enhance the TFM capacity of the systems and assist PWS in the training and certification of operators.
- D. A description of how the state will establish a baseline and measure improvements in capacity with respect to the NPDWR and state drinking water law.
- E. Identification of the persons that have an interest in and are involved in the development and implementation of the Capacity Development Strategy.

In respect to these five elements, Nebraska Department of Health and Human Services Regulation and Licensure (Department) is confident that the program elements selected and described in this document will strategically assist PWS in acquiring and maintaining TFM capacity. The Department has fashioned a strategy that exhibits the general characteristics of strategic planning, the future effect of current decisions, process, philosophy and structure.

The future effect of the current decisions made by this strategy are enhanced through programmatic decision-making (current decisions) that is ultimately geared toward improving the TFM of PWS (future effect) by working with the Capacity Development Strategy Committee Members and through other public input. The Department has examined the causes and effects of possible program changes as they may affect the acquisition and maintenance of TFM by PWS. This process has allowed the

Department, after extensive review of enhancements and impairments to capacity, to better understand how program changes can influence TFM.

The strategy also meets the required characteristics of strategic planning because it is the result of a process of strategic planning. Even as the Capacity Development Strategy Committee was beginning its work, the Department had determined that the strategy would be generated through a coordinated planning effort. As a matter of course, the Department considered and adhered to the guidelines and advice of the U.S. EPA in undertaking this strategic planning effort. This process was determined in advance; and, identified what the overall planning effort would be, when it would be done, who would do it, and what would be done with the results. The strategy process does not end with the results. The strategy process does not end with the issuance of this document. Rather, this strategy is the first step in a continuous process of understanding and addressing the TFM capacity building needs of the PWS in the state.

An important shift in focus is another requisite characteristic of the strategic planning process. The Department has demonstrated through this strategy that directors, managers and staff of the Drinking Water Program believe that strategic planning is important in reaching the goals of improved TFM capacity of PWS. This strategy which forms the basis for future program direction and goals of the Department represents a philosophical commitment to the strategic improvement of PWS and is confirmed in this document.

Finally, a strategy should formally link planning, budgeting and operations together. This allows for a systematic and formalized effort to develop detailed plans to implement objectives, policies and purposes. The strategy shows how the Department will integrate operational, budgeting and planning functions to achieve TFM goals within the organizational structure of the program.

The Department's strategy for improving TFM capabilities of PWS has looked to the future and made assumptions about the needs of TFM improvements. In addition, the Department has analyzed in detail how TFM goals might be accomplished looked at the resources within the Department, and those of the stakeholders in meeting these goals. The Department has also established priorities in implementing TFM improvements, monitoring performance, and after measuring success and setbacks, will review the plan periodically and make necessary adjustments.

## **Strategy Development**

The Department solicited extensive public involvement in the development of this strategy. The primary purpose of this public involvement was to bring together individuals and organizations to form a stakeholder group that would represent the broadest possible spectrum of interested parties while at the same time respecting the need to keep the committee small enough to function efficiently.

Through a series of several public meetings beginning in March of 1999, the stakeholder group developed a Report of Findings with the assistance of the Environmental Finance Center at Boise State University on improving the TFM capacity of Nebraska's PWS. This Report of Findings, which includes all of the information concerning the findings of the stakeholder group in addressing the five essential requirements, is included with this strategy as Attachment A. The Report of Findings was also made available on the Department's web page with a mechanism available to present comment through e-mail or by fax or mail. Additional public comment was also sought during a series of three public meetings across the state (Lincoln, Norfolk and North Platte). In an attempt to further increase public participation, the request for comments on the findings was combined with a public meeting on requirements of the Interim Enhanced Surface Water Treatment Rule and the Disinfection/Disinfection By-product Rule. Based on the findings of the strategy committee and from information gathered at public meetings, the outline for the strategy was developed.

### **Technical, Financial and Managerial Capacity Development Strategy for Existing Public Water Systems**

The strategy that the Department has adopted is based on recommendations produced by the stakeholder committee and public comment and forms the basis of the strategy. All recommendations derived from this public process are incorporated into the strategy with the exception of one.

The one recommendation that was not included in the strategy was one that looked for improved communication and reporting between the Department and U.S. EPA. The Department feels that good communications between the Department and the U.S. EPA are a necessity in conducting the daily business of the program. We also feel that with the quarterly and annual reviews conducted on Nebraska's program, and the ability to contact U.S. EPA personnel as needed, is adequate to meet the intent of this finding. This recommendation refers to the State and Federal relationship and has little impact on existing water systems; and, as a consequence of this, the recommendation will not be included in the final strategy for capacity development for existing systems.

The remaining recommendations are listed in Attachment A of this strategy and the following describes how those recommendations will be used and the time frame of their incorporation into the final capacity development strategy.

### **Strategy for the Department**

The strategy that the Department has chosen to implement based on the findings of the Capacity Development Strategy Committee Members and other public input which involves six broad areas, all designed as program or philosophical changes to further enhance the TFM capacity of Nebraska's PWS. Each of these areas is discussed below with the time frame for implementation of each element within the broader area.

## Information Collection

Currently some information is routinely collected relative to the technical capabilities of a public water system through the sanitary survey format. However, because of the lack of financial and managerial capacity information on systems, the strategy committee recognized the need for collection of more TFM information by the Department. At the same time, due to shortcomings in the existing program and associated regulatory requirements of upcoming new regulations, the Department realized that the current format of sanitary surveys would need to be re-evaluated. As a result of these identified needs, an enhanced sanitary survey format has been developed and is attached to this document as Attachment B. The Department completed the development of the new sanitary survey format with additional input solicited from the Two Percent (2%) Technical Assistance Team. The 2% Technical Assistance Team are the members of the Department's 2% Technical Partnership which is funded through the 2% Technical set-aside of the DWSRF which is designed to financially assist the State in providing capacity development services. A list of the current members of the 2% Technical Assistance Team and a brief description of their current contractual duties can be found on page 32, Appendix C of Attachment A. The new sanitary survey is designed not only to meet the regulatory needs of the Department, but to also collect TFM information for review by the Department and the 2% Technical Assistance Team.

Because the sanitary survey is a regulatory document, even though enhanced to provide TFM information, only the Department staff will conduct the actual inspections. The results of the survey will then be reviewed by the Department to assign priority ranking as determined by the priority ranking protocol discussed later in this strategy. Once the priority rankings have been established, the results will be reviewed by the Department and the 2% Technical Assistance Team on a quarterly basis to determine which systems are most in need of TFM assistance.

Another provision of the new sanitary survey is that Department representatives and/or a 2% Technical Assistance Team member will be available to attend meetings, if requested by the governing body or owner of Nebraska's PWS systems to answer questions arising from the sanitary survey. In addition, at such meetings, staff would encourage long-term planning for the system. The offer for such meetings will be made available in a cover letter, which is sent to the head of the governing board or owner and system operator. The letter will also describe the deficiencies found during the sanitary survey and the procedure for corrective actions to take place.

The strategy committee also wanted to see a capacity assessment tool that could be developed and the results provided to the system. The tool that the Department will implement will be priority ranking protocol and this information will also be contained in the cover letter to the system.

The new sanitary survey format is also designed to help the Department recognize what impact TFM assistance programs are having on systems as well as what additional

training needs the systems may need. In this manner, the new format will, beginning January 1, 2001, also serve as an indicator of what changes may be needed in the strategy to meet future needs.

The new sanitary survey format, beginning January 1, 2001, will serve as the cornerstone of the entire TFM strategy. At this time all PWS will be placed on a three-year rotation for evaluation under the new format. If after the first three-year cycle a system can demonstrate that it has not critical or serious deficiencies, has not had any violations issued within the preceding three-year period, and is not in need of TFM assistance, the system may be placed on a five-year sanitary survey rotation.

**(Revision #1, 9-21-2005)** The Department recognizes the need for a full time position to fully and adequately implement the provisions of this strategy. One of those provisions is assessing the financial capacity of Nebraska's public water systems. Upon successfully hiring a person to perform this task, the Department will begin the systematic evaluation of all PWS in Nebraska, utilizing a financial evaluation tool provided by the Environmental Finance Center at Boise State University and budgets/financial statements submitted by the PWS to the State. By doing this the Department will be able to get a very good idea about which PWS really need help in developing good financial capacity. By improving their financial capacity, this should help those systems develop and maintain good overall system capacity and become viable self-sustaining PWS.

## **Intergovernmental and Regulatory Functions**

### **Two Percent Technical Partnership**

The Capacity Development Strategy recommended that the Department continue its efforts to implement its 2% Partnership Program which is funded through the Drinking Water State Revolving Fund (DWSRF) two percent set-aside fund, which is designed to financially assist in giving the State the option of providing capacity development services. The Department is committed to continuing this program. A list of the current members of the 2% Technical Assistance Team and a brief description of their current contractual duties is shown on page 32, Appendix C of Attachment A, Report of Findings. This group will meet quarterly with the Department to review a listing of water systems in need of assistance and which partner(s) might best provide the assistance needed. The quarterly meetings will also be an opportunity for the group to report on and reflect on progress that has been made, and as the strategy develops and evolves, begin the process of redefining what the TFM needs are for the system, and what the future contractual responsibilities of the 2% Technical Assistance Team may be. As future needs are assessed, the defined duties will be changed to meet those needs.

With the 2% Technical Assistance Team members currently under contract through June 30, 2001, the actual implementation of this partnership is immediate. The partners are currently working on specific projects or with systems defined by the Department as having known compliance issues and/or capacity shortcomings. After the first quarter of

2001, the responsibilities will begin to evolve more around the TFM goals of the overall strategy.

### **State Public Information Programs**

The strategy committee recognized that there is a strong need for a more enhanced public education program by the Department. The Department agrees with the findings and will internally and through cooperation with larger organizations such as larger PWS, peer group associations, and government organizations, begin to develop and implement an effective public education program. Because of existing staff impacts of producing an effective statewide public education effort, the official implementation of this facet of the strategy will begin in July 2001. This will allow time for the Department to assess and prepare for such a program. The elements to be developed with include the following:

- A. A statewide educational campaign to heighten public awareness regarding the information contained in consumer confidence reports.
- B. The development and implementation of programs for public schools related to Drinking Water Week.
- C. To continue and enhance displays on the Department's activities during the Nebraska State Fair and during cooperative information programs such as the Nebraska Groundwater Foundation.
- D. The development and/or procurement of brochures, bill-stuffers, and mailers/hand-outs pertaining to pertinent current water topics geared toward small and medium size systems that may lack the financial means to do on their own.

### **Local Land Use Planning**

The strategy committee felt that throughout Nebraska, the lack of planning in rural areas adversely affects the overall economics of producing safe drinking water. Typically this is associated with the failure of local and/or county governments to incorporate drinking water issues with land use planning and is especially relevant in developments occurring in unincorporated areas adjacent to existing municipal and not-for-profit PWS. The Department currently encourages the consolidation of existing systems in certain circumstances, and requires TFM capacity to be demonstrated by new systems prior to being approved. Future regulations will require a greater effort by the Department to act as a technical resource to help cities and counties acquire the information they need to understand drinking water capacity issues and then incorporate these issues into their planning efforts. Beginning after July 2001, the Department will lead a task force of organizations through a series of meetings throughout the state to bring these issues to the attention of local governments. The time prior to July of 2001 will be used to develop the task force with cooperation of other agencies and to define the information that will be discussed at these meetings. Extra emphasis will be placed on getting out to the rural areas that typically lack land use planning and results of these meetings will be evaluated in the Report to the Governor, the first of which is due in August of 2002.



**(Revision #2, 9-21-2005)** The Department realizes that public water systems which lack adequate financial capacity will become compliance problems for the State. In order to combat this problem, the Department needs to develop a plan to reach county planning officials in order to convey the necessity of formulating economic development plans which take into account the need to enhance the ability of small communities to develop and/or retain financial capacity (viability). Financial capacity is essential in achieving and maintaining compliance with State and Federal drinking water requirements. The Department intends to try and recruit the League of Nebraska Municipalities to join forces in this effort.

## **Water Meter Requirements**

The Capacity Development Strategy Committee felt that the use of measurement devices should be required in most situations for a public water system to be eligible for the DWSRF. The Department agrees with this element and has long encouraged the use of water meters for PWS. The use of meters has time after time demonstrated that they serve as an excellent conservation tool without decreasing revenues. Without accurate meter readings it is also very difficult for a system to adequately develop a long-term planning document, as required under current regulations, Tile 179 NAC 2 Section 008.02E. Because of the importance of water meters, effective with the State of Nebraska Fiscal Year 2002 Intended Use Plan Priority Funding List for the DWSRF (July 1, 2001), the needs survey, in late 2000 early 2001 contained questions concerning the metering capabilities of the PWS applying for the funds. That information will then be tied into the eligibility requirements of the DWSRF as set forth in the Department's priority ranking criteria. Not having meters will not preclude a PWS from receiving DWSRF funds if the public water system can meet the requirements listed below.

1. All new or existing wells must have a functional measurement device installed in order to be eligible for the DWSRF.
2. The use of functional measurement devices is required on all service connections to be eligible for the DWSRF unless the owner can demonstrate all of the following:
  - a. The installation of such devices creates an economic impairment whereby the costs of installation of such devices exceeds the potential benefits of such devices, and
  - b. All un-metered customers are very similar in the nature and quantity of their water use, and
  - c. The system has in place a comprehensive effective leak detection program and has available an enforceable water conservation plan.

A comprehensive effective leak detection program is interpreted by the Department as a program that has the entire system evaluated by individuals proficient in leak detection (commercially available or through assistance of the 2% Technical Assistance Team) a minimum of once every five years; and, provides written documentation as to the number of occurrences of leaks, the size of the leaks, and how those leaks were

corrected. An enforceable conservation plan is interpreted by the Department as a local ordinance that clearly defines the following:

- A. Who has the authority to place restrictions on the PWS?
- B. What are the specific restrictions?
- C. Who has the authority to rescind restrictions?
- D. What enforcement mechanisms are used if restrictions are not followed?

## **Training and Technical Assistance**

### **Financial Management Training**

Small systems face an on-going challenge of obtaining capital resources for improving or replacing system infrastructure. This is especially true for non-governmental systems that do not have access to traditional government-sponsored capital financing programs such as the Community Development Block Grant through the Nebraska Department of Economic Development or the United States Department of Agriculture-Rural Development. Therefore beginning in July of 2001, the Department will take the lead by sponsoring a series of meetings throughout the state where capital financing agencies, public finance specialists, and public water system officials can discuss innovative techniques for financing small system capital improvements. The results of these meetings will be discussed in 2002 Governor's Report.

As fiscal capacity and financial capacity are two of the essential components in achieving capacity development, it is essential that small systems in Nebraska routinely review and adjust water service charges to keep pace with the full costs of operating and maintaining their water systems. Therefore, beginning after July 1, 2001, some of the contractual requirements of the 2% Technical Assistance Team will be changed to meet this need since they already provide technical assistance in the areas of financial management and water rate setting. The changes in the contract will reflect an enhancement of this type of assistance by being incorporated into actual training courses targeted not only at operators but also at the governing boards. It may also be possible to combine the financing seminars described above with rate-setting and financial management training so that the entire package can be presented to the target audience at one time. This possibility will be further explored over the next 10 months as this portion of the strategy is developed.

### **Training**

A significant theme of impairments discovered by the strategy committee revolved around the need to improve the knowledge of drinking water protection rules among not only the operators of the system, but also management personnel. The Department believes that along with the enhanced sanitary survey, meeting the training needs of operators and management personnel is one of the biggest steps to a system achieving TFM capacity. The major hurdle to overcome is that often rules and regulations are produced in forms that are difficult for small system operators and managers to

understand. This in turn can lead to confusion in water systems with limited managerial capabilities that have difficulty in tracking regulatory changes from proposed to final status. Therefore, the Department will implement the following changes in meeting the training needs.

Effective February 2001, the new operator training regulations under Title 179 NAC 2 Section 010, will be in place. Stakeholder meetings for this regulation were held during August and September of 2000. The following changes were proposed during those meetings:

1. Reclassification of systems to more accurately reflect the level of treatment provided and populations served.
2. Verifiable education, work or training experience in a pre-application process for testing.
3. Provisional licenses will no longer be granted and all operators applying to take certification exam will be required to meet the minimum requirements.
4. That all system personnel making water quantity or quality changes are certified to the appropriate level.
5. Changing the training format to a series of training modules.

This allows the Department the flexibility to not only address curriculum concerns that relate to a particular type of system, but also allows for the flexibility to add new modules as the need is identified. The new format will include modules concerning technical, managerial, and financial needs as they pertain to a system's operation and maintenance practices. This training will include the 2% Technical Assistance Team organizations that will use a Department approved format for the modules. The primary reason for this change is that under the current format of having week long training and testing for certification, we are actually doing the operators a disservice. One week of training is not long enough to cover all of the necessary operational and maintenance topics in full. Consequently, the course is tailored to cover the topics that the exam covers. Under the new format, training modules will allow for the time to cover specific topics in depth; and consequently, give the potential operators much more detailed information to use in their own system's operation and maintenance projects.

Certification exams are conducted out of central locations throughout the state (at field offices) on designated dates and times. Certification exams are still given during training classes, even though this was planned to be stopped in the initial strategy. This was to be stopped because the Department felt that the current testing method being utilized did not really test prospective operators on their overall knowledge of operating principles and regulations. The operator candidates are currently being tested on only the material covered, during an at most four (4) and one-half day course. The exams are offered on the final day at the end of the training course. The proposed format would place the burden on the operator to feel that they are adequately prepared and trained to take the exam; and, to assist the operators in this, the Department planned to develop a tutorial for each certification grade to help in their preparation for the exam.

As part of the Operator Certification Regulations, the U.S. EPA will reimburse the state for training unsalaried operators of systems serving populations less than 3,300.

The Monitoring and Compliance Program has already implemented a program in which information on proposed and upcoming rules is being presented to the systems and their governing boards. This program has included mailings to potentially impacted systems, site visits to council/board meetings, and group informational meetings centered on proposed impacts to systems. For operators attending these meetings, continuing education credit has been given towards operator certification renewal. This trend is expected to continue and as this program develops over the next year an upcoming regulatory status report will be developed and mailed to all system owners on an annual basis. This program will also interpret the U.S. EPA's improved health protection and risk reduction information into a more easily read and understood format for inclusion in the impact mailings of proposed rules. The section will also develop an automatic e-mail service to keep operators updated on rule development or modifications by July of 2002.

In conjunction with the 2% Technical Assistance Team and in an effort to improve managerial capacity through on-site board training, a training module will be designed for board and council members. This training will focus on long-term planning, financial management, full-cost financing and regulatory environmental and financial controls. It would also be possible to develop a module for new board members that would include supplemental materials that would help them understand their role in the oversight of a public water system. This training is essential in helping the system acquire and maintain TFM capacity. However, it should be stated that any training directed specifically at boards or councils will be offered as voluntary training. The Department does not intend to require training for board members unless they are capable of making water quantity and quality changes. If this occurs, they would be required to become a certified water operator at the appropriate level. Full implementation and availability of this type of training will be by January 2002.

**(Revision #3, 9-21-2005)** On initial implementation of this strategy the Department's field staff made an effort to do sanitary surveys in a small geographical area. The reason for this effort was to facilitate getting small system owners/board members together in one location to discuss their survey findings as a group and develop plans to correct the deficiencies as well as to educate them on the need to develop and maintain TFM capacity. The 2% Technical Assistance Team, and specifically Midwest Assistance Program, spearheaded this effort to educate the owners/board members of these small PWS. The initial effort was very successful but because of a loss of focus on the part of the Department, the program dwindled. Because of the successes of the first effort, the Department and the 2% Technical Assistance team are making a renewed effort in this arena. Focus is again being put on the need of the Department staff to do surveys in a relatively small geographic area to facilitate holding these educational meetings. It is anticipated that great steps forward will be made by renewing and maintaining this effort to educate PWS owners about the need to develop and maintain TFM capacity. Additionally, renewed effort will be made to get the training

providers in Nebraska to utilize the video which the Department produced for this purpose. Four (4) more videos are currently in the production phase to enhance our educational ability in these areas. Once they are completed, it is anticipated that they will be used across the state at most if not all of the training sessions provided for educating water system operators and owners/board members of PWS.

The Strategy Committee found that the rules and regulations (Title 179 NAC 2) are very cumbersome and written in language difficult to understand. The Department will begin surveying operators and system officials to determine which regulations are giving the system's problems. From the results of the surveys, the Department will arrange for meetings statewide to provide clarification on the regulations in question. The Department is also attempting to make the regulations easier to follow by placing individual rules and requirements in their own section of the regulations. This helps to minimize the amount of referencing back-and forth between the regulations. These efforts, when combined with the efforts of the Monitoring and Compliance Program, as described above, should allow for a much better comprehension of the rules and regulations among system operators and owners. This portion of the Strategy will be effective immediately and begin with a Regulation Survey being included in the September issue of the Water Spout, which is the Department's monthly informational publication mailed statewide to all certified water operators.

The Committee identified a need to encourage partnerships between agencies and among systems. As discussed in earlier elements of this strategy, this will be accomplished primarily through training sessions located throughout the state. By attending the sessions, networking between operator/board members can occur and specific topics such as consolidation, mutual aid agreements, shared equipment and/or operator would be used at these meetings to encourage attendance. This type of training would be implemented during the same time frame as other board/council training elements in January 2002.

### **The Rejected Elements**

The findings of the Strategy Committee were generally found to be true and the changes suggested were incorporated into this strategy. However, there was one finding not incorporated and that was the finding that there needed to be better communications between the U.S. EPA and the Department. This finding was rejected because the Department feels that with all the contact that is currently done with U.S. EPA, that good communications already exist and must be maintained for the Department to continue to function properly.

### **Timeline for Nebraska's Capacity Development Strategy Implementation**

Ongoing and Immediate	<ul style="list-style-type: none"> <li>• Continuation of Two Percent Technical Assistance Team (meetings every other month).</li> <li>• Monitoring and Compliance Regulatory Informational Meetings and Mailings.</li> </ul>
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	<ul style="list-style-type: none"> <li>• Regulation Surveys and informational meetings.</li> </ul>
September 30, 2005	Second report to Governor on progress made towards improving TFM capacity.
June 30 of every year	Two Percent Technical Assistance Team contract renewals.
June 30, 2006	Hire FTE for full time Capacity Development coordinator.
June 30, 2006	Hold at least one sanitary survey/board training meeting in each of the Department's field area (8 total).
June 30, 2006	Submit New and Existing Capacity Development report to U.S. EPA for SFY 2006.
August 2006	Strategy review and changes with stakeholders. Revise strategy if determined necessary.
June 30, 2007	Submit New and Existing Capacity Development report to U.S. EPA for SFY 2007.
August 2007	Strategy review and changes with stakeholders. Revise strategy if determined necessary.
January 2008	Completion of sanitary surveys for 100% of PWS with data entered into SDWIS/State database.
January 2008	Revise 179 NAC 22 Operations and Maintenance regulations to include the use of the Department's Emergency Plan Template as a regulatory requirement as well as other issues.
June 30, 2008	Submit New and Existing Capacity Development report to U.S. EPA for SFY 2008.
August 2008	Strategy review and changes with stakeholders. Revise strategy if determined necessary.
September 30, 2008	Third report to Governor on progress made towards improving TFM capacity due.

### **Protocol for Determining Public Water Systems Most in Need of Technical, Financial and Managerial Assistance**

The 2% Technical Assistance Team was given the responsibility of defining the criteria, which the Department would utilize to determine which systems are most in need of TFM assistance and include them on a priority assistance list. As stated in the strategy, most of the pertinent information necessary to categorize the systems will be obtained through the enhanced sanitary survey format. In 2001 a baseline was established to begin an initial listing of systems identified as needing assistance. This initial list was developed using four (4) basic requirements for which the information already existed:

1. An administrative order has been ordered.
2. Being listed on significant non-compliance list.
3. Acute violations.
4. Multiple violations.

The priority that systems were ranked with these criteria depended on the number and severity of violations as they posed a threat to public health. This list was reviewed and, the Department and the 2% Technical Assistance Team determined the level of TFM

assistance necessary. Additional priority was given if a system was also listed on the 2001 DWSRF Intended Use Plan.

Once the enhanced sanitary survey format had been fully implemented (January 2003), the development method for the list was revised based upon the TFM protocol. The TFM priority list is reviewed and up-dated on a continuous basis. Following is the priority ranking criteria currently being used to develop the priority assistance lists.

There are three (3) specifically defined levels of need that a system may qualify under.

**1. Critical Category: (Revised 3-11-2005)**

- a. No certified operator - 10 points
- b. No defined or structured ownership of PWS - 5 points
- c. Inadequate source quality or quantity - 10 points
- d. Current infrastructure deficiencies which pose a direct threat to public health - 7 or 10 points (screens 10)
- e. Issuance of an Administrative Order - 100 points
- f. Multiple violations or placement on the significant non-compliance list - 25 points
- g. Acute violations - 50 points
- h. Encroachment issue of a regulatory nature - 10 points
- i. No wellhead encroachment prevention tool - 5 points
- j. No effective and on-going Cross Connection Control Program - 7 points
- k. Missing Cross Connection Control Program enforcement tool - 5 points
- l. Existing unprotected cross connection - 10 points
- m. Non-secure critical facility - 10 points
- n. Uncorrected routine sanitary survey deficiency listed on previous routine sanitary survey report - 5 points
- o. Failure to accomplish public notification or report as required - 5 points
- p. Current non-acute total coliform violation - 5 points
- q. Inclusion on a the previous priority list - 50 points

For each deficiency that meets the critical category criteria, the Department assigns a value of 5, 7 or 10 points to that deficiency. Five points would represent a potential threat to public health and 10 points would represent an immediate and direct threat to public health. A value of 7 points would recognize a deficiency that while posing a potential threat, over time, if not corrected could lead to a direct threat to public health. In this manner, the Department is allowed flexibility in determining the point value assessments on a system by system basis, rather than trying to define broad definitions that may not impact one system while having a significant impact on another.

Serious Category - This classification is intended for those deficiencies that can be indicative of potential TFM deficiencies. However, multiples of these items can move a system up through the priority rankings that may classify the system along with the critical category systems. Serious deficiencies include the following:

**2. Serious Category: (Revised 3-11-2005)**

- a. No operator certified at appropriate level – 3 points
- b. No permit to operate – 3 points
- c. No operating budget – 1 point
- d. No 2 and 10 year plan – 1 point
- e. Lack of infrastructure maintenance – 2 points
- f. No sample site plan - 3 points
- g. No Emergency Plan of Operations – 2 points
- h. No Emergency Phone Contact List – 1 point
- i. Inadequate records – 2 points
- j. Failure to have one or more components of a Cross Connection Control Program  
- 1, 2 or 3 (device testing 3, surveys 2, public education 1)
- k. Failure to submit plans and specs as required – 3 points
- l. Limited access to parts and equipment – 3 points
- m. Inadequate staffing – 1 points
- n. No wellhead protection program (not wellhead encroachment) – 1 point
- o. No source water assessment program – 1 point
- p. No watershed management program – 1 point
- q. No current water system map – 1 point
- r. Safety deficiencies – 3 points
- s. Operation and Maintenance Manual – 2 points

Again this category is intended for systems that are showing indications that at least a portion of the system is lacking in TFM capacity. Rankings are made based on points of 1, 2 or 3 being assessed for each deficiency. One represents a relatively minor deficiency and three represents a much more serious deficiency. Again, these points are assessed on a system-by-system basis so that appropriate measures are assessed based on that system's needs only.

Minor Category - These are systems that have minimal deficiencies or have corrected the deficiencies as directed. These systems will not be offered assistance directly the by 2% Technical Assistance Team but still retain the ability to call and request assistance if needed.

As of January 2003, the Department started using information entered into the Safe Drinking Water Information System database by the Department field staff regarding routine sanitary survey deficiencies to develop the priority assistance lists which are given to the 2% Technical Assistance Team. Utilizing these lists, the 2% Technical Assistance Team are to provide the necessary assistance to the needy systems identified on the lists, in order to help them gain compliance with the applicable regulations and correct the identified deficiencies. This activity is reflected in the Scope of Work requirements of the 2% Technical Assistance contracts that the Department currently has with Midwest Assistance Program and the State Fiscal Year 2004-2005 contract with the Nebraska Rural Water Association.

## **Measuring the Success of Nebraska's Capacity Development Strategy**



The Capacity Development Strategy Committee defined several methods that the Department could utilize to measure the success of Nebraska's strategy for capacity development.

In order to accurately measure the success of Nebraska's TFM Strategy several tools will be utilized for at least the first three years of the strategy implementation. These tools listed below involve looking at the outreach and assistance efforts made by the Department and the 2% Technical Assistance Team. They also establish a baseline from which the Department can evaluate their own programs and the 2% Technical Partnership's progress as the strategy continues to unfold. These tools include:

1. The number of sanitary surveys performed on an annual basis.
2. Site visits by 2% Technical Assistance Team and evaluation of the number and types of assistance that was rendered.
3. Follow-up with systems via survey to solicit feedback from systems that have received assistance.
4. Following the type of deficiencies being found to determine how public outreach programs are working.

Another method of measuring success is by evaluating compliance tracking. This method will show the most direct results, but at the same time can be misleading. System specific compliance issues as identified under TFM prioritization categories will be tracked as the system returns to compliance and hopefully will remain there. Success under this method will be difficult to measure as it will take three years to rotate through all of Nebraska' community and non-transient non-community PWS and five (5) years to get through all transient non-community PWS. This will result in a significant number of systems coming on, or going off of the priority list at any given time. Another factor to consider is the number of upcoming regulations that can also influence the overall numbers of systems in or out of compliance at any given time.

The final goal of this strategy is to not only lower the number of violations a PWS has, as the strategy progresses through time, but also to provide the information necessary for Nebraska's PWS to become viable, self-sufficient and to achieve long-term TFM Capacity. Only by doing so, will Nebraska's public water systems be able to achieve, on a continuous basis, compliance with U.S. EPA's existing and future regulations. If all of the water systems in Nebraska can qualify under this statement, then the strategy has met its purpose and that is the ultimate measurement of success.